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MAR 13 2006

OFFICE OF PETITIONS

In re Application of Davis	:	
Application No. 09/334,208	:	Decision on Petition
Filing Date: June 15, 1999	:	
Attorney Docket No. DAVIS100	:	

This is a decision on the renewed petition under 37 CFR 1.181, filed July 11, 2005, to withdraw the holding of abandonment.

The petition is **granted**.

Facts:

A Notice of Allowance, Notice of Allowability, Interview Summary, and Examiner's amendment were mailed on December 16, 2002.

The Office did not receive a reply to the Notices.

A Notice of Abandonment was mailed on April 29, 2003.

A petition to withdraw the holding of abandonment was filed on May 19, 2003.

Petitioner contended the December 16, 2002 papers were never received.

A decision by Technology Center 3700 dismissing the petition was mailed June 28, 2005.

The instant renewed petition was filed on July 11, 2005. The file was transferred to the Office of Petitions on March 7, 2006.

The renewed petition includes addition evidence to establish non-receipt of the December 16, 2002 papers.

Analysis:

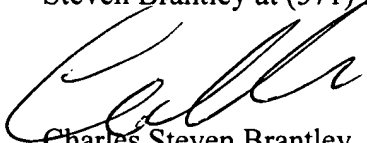
A review of the evidence or record indicates petitioner has supplied a satisfactory showing of non-receipt of the December 16, 2002 papers.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The Notice of Allowance and Notice of Allowability mailed December 16, 2002 are vacated.

The Office notes a \$130 petition fee was submitted with the first petition to withdraw the holding of abandonment. No petition fee is required for a petition to withdraw the holding of abandonment under 37 CFR 1.181. Therefore, a refund of the \$130 fee will be scheduled.

Technology Center Art Unit 3746 will be informed of the instant decision and the examiner will mail new copies of all the papers originally mailed December 16, 2002, and the period for reply will be based on the mailing date of the new papers.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Applicant/Inventor

Signature

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Attorney or Agent of record _____
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Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Requester's telephone number

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Assignee recorded at Reel _____ Frame _____

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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This collection of information is required by 37 CFR 1.363. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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